

SOLICITOR IN HOUSE TRAINING MANUAL

802
Spirits.

2020/10

EMPLOYMENT REQUIREMENTS

All solicitors must be at least 18 years old and employed by licensed wholesale dealers or manufacturers.

TRAINING REQUIREMENTS

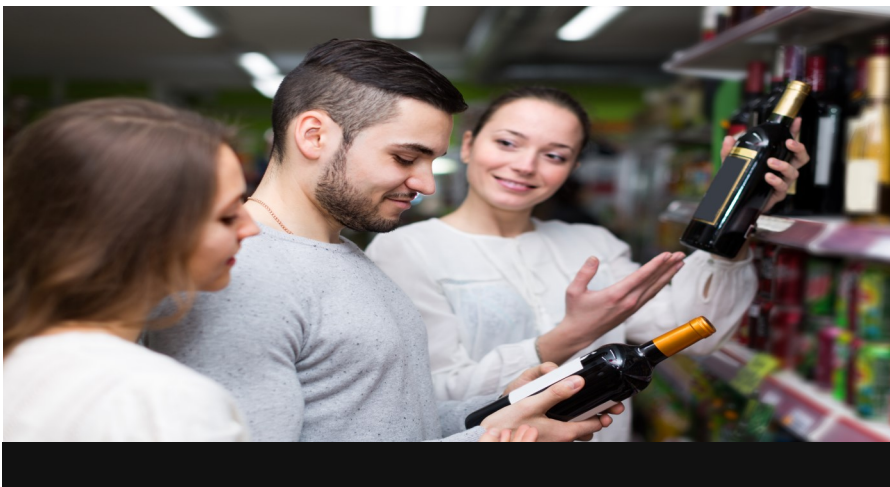
Solicitors are required to be trained in order to be licensed and must be retrained every two years. A solicitor's license is issued to the individual solicitor and if that solicitor is not properly trained, their license, as well as the wholesaler they work for, will receive a penalty. Your Vermont Department of Liquor and Lottery, Division of Liquor Control (DLC) Certified Trainer will complete this in-house training with you. This certification, unlike DLC in-person or DLC on-line trainings, is not transferable.

TRAINING CERTIFICATES

Copies of training certificates for all employees must be kept on file and be available upon request. Solicitors should carry a copy of their license and their certification on them at all times.

Everyone who works in the preparation, sale, service or enforcement of alcohol and tobacco laws, in a business, is required to be trained before they begin working and must be retrained every two years. Copies of training certificates must be available for inspection.

Education Regulation



Information covered:

- Regulations
- Guidance Bulletin
- Tastings and Promotions
- Civil Liability
- Acceptable IDs



FOLLOWING THE RULES

Certain violations will result in a fine for the business. Businesses will be issued a ticket which they must send to the Division of Liquor Control within 10 days.

The DLC's Office of Education created this booklet to provide the basic rules an employee would need to know to do their job. This material only trains you for this job. It does not transfer to any other business. The Office of Education provides in-person trainings and online training for those who wish to take it. Education is important, you must be trained before you start and re-trained every two years.

Employees need to make sure there are no violations of Title 7 regulations or laws. If there are problems they must be corrected quickly. Knowing what you should do in the case of any problem is important. How do you handle issues within your business? This booklet will provide you with the basic rules you need to know, but it is important to talk with your employer for specific company policies that are in addition to this book.

It is the DLC's Office of Compliance and Enforcement that is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to these incidents. Comprising of a team of law enforcement investigators and supporting staff, and working closely with other law enforcement agencies, this division protects the public safety and ensures that laws and regulations are followed.

The Department of Liquor and Lottery Board is made up of 5 members appointed by the Governor. They preside over all hearings and work with the legislative body to create Vermont's Regulations. This booklet contains many, but not all of the rules and laws that you will need to know to do your job. A complete list of the Title 7 Regulations can be found on the DLC website.

Review this booklet with your DLC trained trainer and be sure to discuss any company policies that your business has that makes it more restrictive than the laws. You may want to watch the DLC In-house server training video for tips on carding and refusal skills as well.

NOTES:



SOLICITORS SHALL NOT:

Induce or coerce any wholesale dealer or retailer to accept delivery of any alcohol, any form of ad, or any other commodity, which shall not have been ordered by a wholesale dealer

Induce or coerce any wholesale dealer or retailer to do any illegal act or thing by threatening to cancel or terminate the franchise

Induce or coerce any wholesale dealer or retailer to purchase product using any thing of value

Fail or refuse to deliver promptly to a wholesale dealer after the receipt of the order



GUIDANCE BULLETIN

Industry members may:

- Purchase meals and beverages for a retailer.
- Purchase tickets for a retailer to attend sporting events, concerts, plays or other entertainment events.
- Cover the cost of greens fees, cart rental, and other fees at golfing events,
- Must provide an electronic, itemized record of every “thing of value” on or before the 15th of July, October, January and April for previous 3 months to DLC.EnfLic@vermont.gov . The record must contain: Name of retailer; Date given or provided; Description of “thing of value;” Value of “thing of value.”
- Must be in the company of retailer at the time of the event, and none of these shall exceed \$250 per person per event.

-
- Industry members may purchase gift certificates from retailers at fair market value. A record must be maintained by an industry member of: The type of gift certificate; Value; Name of person to whom certificate was given. Gift certificates may not be given to retailer and records must be kept for at least 2 years.
 - Draft systems must be sold at fair market value for the cost of parts and labor. A report on or before the 15th of July, October, January and April, for previous 3 months must be sent including list of parts sold, cost of labor to build, install and/or repair.
 - Industry members may, without prior approval, give printed, branded promotional materials with or without retailers name on sign, coaster, outdoor table umbrellas, sandwich/menu/chalk boards, wine buckets/wine list covers.
 - Violations can result in fines up to \$2500 per violation along with possible suspension or revocation of licenses.

VISITING NEW APPLICANTS

Solicitors may visit with new licensee applicants once the applicant has applied to the city or town.

- Solicitors may inform about products and prices.
- Solicitors may solicit orders to be filled once license has been issued and received.

PROMOTIONS & TASTINGS

With 2 days written notice to the DLC, a solicitor may complete a promotional tasting with a licensee and their employees.

- The name of retailers being visited on a particular day must be provided.
- If the same retailers are regularly scheduled, only one notice need be given for multiple dates. Must provide new notices for any changes in schedule.
- No alcoholic beverages may be left behind.

MALT FACILITY TASTINGS

A solicitor of a manufacturer of malt beverages who also holds a 1st class license may serve to a customer malt beverages by the glass:

- Up to 8 glasses at 1 time
- Up to 4 ounces in each glass.

A manufacturer or rectifier of malt beverages who holds a 2nd class license may distribute, with or without charge, malt beverages by the glass:

- Up to 2 ounces per product
- Up to 8 ounces in total

NOTES:

WINE TASTINGS

Wine manufacturers and rectifiers may hold tastings at a licensed store with a permit from the DLC listing the 6 wines offered 5 days in advance of the event.

The tasting can last for up to 6 hours. No more than 2 ounces of each wine may be offered with no more than 8 ounces served to any customer.

This will be without charge, by trained servers over the age of 18.

No more than 8 customers at a time in the designated area.

No more than 48 permits will get granted per year.

No more than 1 tasting per day per store.

A sign stating no one under the age of 21 may participate is required to be posted at tasting.

IMPAIRMENT

In Vermont, alcoholic beverages may not be served or furnished to a person displaying signs of impairment from alcohol and/or other drugs or substances.

No alcohol may be consumed on the licensed premises by any person displaying such signs of impairment.

No person displaying signs of impairment shall be allowed to stay on the licensed premises.

If a person seems like they are impaired, whether you know they've been drinking or not, you cannot serve them and they cannot stay if they show signs of impairment.

Remember that signs of impairment may include staggering, swaying, slurred speech, glassy eyes, confused look, acting confused, delayed reactions.

If a customer appears to be impaired you must not serve alcohol to them.



ALCOHOL AND THE BRAIN

It is important to understand how alcohol works on the body. Alcohol is a sedative, depressant drug. When a person drinks alcohol it goes to the stomach and small intestines where it goes into a person's bloodstream. After alcohol gets into the blood it goes throughout the rest of the body. A person's brain uses a lot of blood; because of this a lot of the alcohol ends up affecting the brain. Alcohol puts certain parts of the brain to sleep. The more alcohol a person drinks, the more the brain goes to sleep.

The first part of the brain that alcohol affects is the part that controls judgment and reasoning. As more alcohol is consumed, it begins to affect the part that controls muscles. This is when you see STUMBLING, STAGGERING and SLURRING. These are what we refer to as APPARENT SIGNS OF INTOXICATION. If a person consumes more alcohol their vital functions can be affected. Too much alcohol could lead to death.

A person can add alcohol to their body as fast as they can drink it, but it doesn't leave that way. Most leaves the body through the liver (approximately 90%). A small amount leaves the body through a person's breath and sweat (approximately 10%). A person can build up a tolerance to alcohol. A person who drinks alcohol on a regular basis learns how to manage its effects. It doesn't mean they end up less drunk than someone else, it just means that they know how to hide the signs that they have been drinking.

When it comes to alcohol, one drink doesn't always mean one glass. Beer, wine and liquor all come in different "strengths." A person drinking one 12 ounce beer that has 5% alcohol will be effected differently than if you give that same person a 12 ounce beer that has 16% alcohol. That is almost triple the amount of alcohol in the same glass. Counting drinks and the alcohol in them is an important part of a servers job.

MINORS

Vermont law states that people under 21 cannot purchase, possess, or consume alcohol.

A server of alcohol must be sure that the person is at least 21 years old before you serve them alcohol. If you serve alcohol to a person under the age of 21 you can be charged criminally.

The law states that you personally can be held criminally responsible for serving to someone under the age of 21. There is also a General Regulation that states the business will be held responsible for serving someone under the age of 21 as well.

Another regulation states that you must card anyone who is of questionable age.



SERVING A MINOR

No one can sell or give alcohol to a person under 21 and no one can allow a person under 21 to drink alcohol.

The penalty for selling to a minor or enabling consumption by a minor is a fine of up to \$2,000 or up to 2 years in jail, or both.

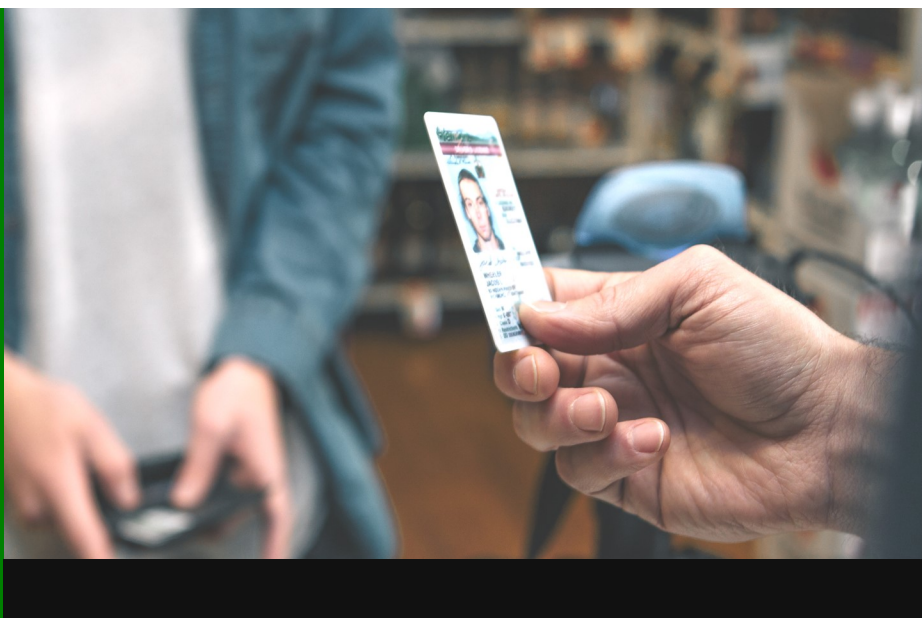
In addition, if a person sells or provides alcohol to a minor or allows a minor to consume alcohol, and that minor, as a result of consuming the alcohol, causes death or serious bodily injury to anyone while operating a motor vehicle, the penalty becomes a felony with a fine of up to \$10,000 or up to 5 years in jail.

The only exception to the above law applies to servers who furnish alcohol to a minor during the course of a compliance check performed by law enforcement. The penalty for a first offense is a \$100 fine; the penalty for subsequent offenses can be as high as \$500. The business also receives penalties when an employee fails a compliance check by serving or selling to this minor.

NOTES:

ACCEPTABLE FORMS OF ID

- Valid Photo Driver's License
- Valid Photo Non-Driver's ID
- Valid Photo Enhanced Driver's License issued by any State or Foreign Jurisdictions
- Valid US Military ID (any form)
- Valid Passport
- Valid Passport Card



VERIFYING A CUSTOMER'S AGE

It is the law that you must ask for an ID if you think they are of questionable age. The ID must be a Valid, Photographic Acceptable form of ID. If they want to purchase alcohol or tobacco, they must be able to prove that they are of age

Compare the face in front of you to the one on the ID. Weight, hair and make-up can change. Height, eye shape and ear placement do not change.

Look at the date of birth and expiration date. Don't just glance. **LOOK!** Read them and do the math! It is illegal to serve a minor and you could go to **JAIL! READ the ID!**

Watch how the customer acts when you ask for their ID. Are they nervous or unsure? When you ask them questions about the information on the ID are they confident? If their behavior makes you suspicious refuse them.

If there is a question about the ID, call your local authorities and give them all the information on the ID. They can confirm it is valid and that all the information matches. If it is not valid or if any of the information does not match, Do **NOT** accept it!

Sometimes you will not need to make the phone call, sometimes simply telling the minor you are going to run their ID is enough to make them run away.

NOTES:



HOW TO USE OUR ID CHECKING TOOLS

In order to help you identify fake IDs, you can purchase tools from the Division of Liquor Control. The DLC sells ID Checking Guides and UV lighted magnifiers. ID Checking guides should be replaced yearly to assure you have the most up to date information available.

Minors using borrowed IDs and high quality fakes purchased over the internet can cause big trouble to a business. If an employee isn't taking the time to look carefully at IDs, a minor could get alcohol. This is a crime. The DLC is dedicated to helping you prevent underage drinking sales which can negatively impact the business. Getting caught selling to minors can ruin a business's reputation, cause fines and penalties and increase risks for public safety.

By using these tools and by brushing up on your refusal skills, you can help prevent underage drinking sales at your business. Remember, carding customers is not only part of the job, it's the law.

The guide contains images of driver's licenses for all 50 states and the Canadian Provinces. It also includes images of Passports and Military IDs. That means you can find images of some of the acceptable forms of identification in this booklet. You will also find other forms of identification, not acceptable for alcohol and tobacco in the State of Vermont. Please remember you can only accept a Valid Photographic Driver's License, a Valid Photo Non-Driver's ID, a Valid Photo Enhanced Driver's License issued by any State or Foreign Jurisdictions; Valid US Military IDs and Valid Passports and Valid Passport Cards.

When someone hands you an out-of-state ID, open up your ID guide to that state. The sample IDs in the guide are the same size as the ID in your hand. Compare them. Read the written narrative. If there are any discrepancies, do not accept the ID and refuse the sale.

The narrative may also include any micro printing which you can use lighted magnifier to see. In the back of the guide you will see images of the holograms you can see using your black light. Does it look the same in your hand as in the book?

Taking the time and using the tools to check IDs properly may help you avoid making a costly mistake.

ADDITIONAL REGULATIONS

- No beer or wine may be purchased on credit by any licensee.
- All Point of Sale ads must be submitted to the DLC for approval.
- Wholesalers must purchase only from approved Certificate of Approval Holders and Licensed Manufacturers.
- NO beer or wine can be returned from a retailer to a wholesale dealer unless they are of substandard packaging or quality, miss-ordered, out of code, out of business, or closing for the season. Permission from DLC is required except for beer in barrels.
- You may stock, rotate and price products you sell at a retail establishment, but you are not allowed to alter or disturb other wholesaler's products.

RENEWALS

All licenses expire at midnight on April 30th. All of your information must be up to date with the department to renew your license.

NOTES:

Contact Us

Vermont Department
of Liquor and Lottery ,
Division of Liquor Control
13 Green Mountain Drive
Montpelier, VT 05602
(802) 828-2339

Visit us on the web at:
liquorcontrol.vermont.gov